U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHARLES BEECHAM and DEPARTMENT OF THE AIR FORCE, McCLELLAN AIR FORCE BASE, CA

Docket No. 01-774; Submitted on the Record;
Issued October 15, 2001

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS, PRISCILLA ANNE SCHWAB

The issue is whether appellant is entitled to a schedule award based on his accepted employment injuries.

On March 3, 1998 appellant, then a 63-year-old air conditioning mechanic, filed a notice of traumatic injury alleging that on December 1, 1997, he got up from his workbench to answer the telephone and twisted his right ankle.[1] He stated that his leg and ankle were burning and felt warm. His claim was accepted for right ankle sprain.[2]

Appellant also had a previous right foot injury in 1992, which was accepted for "contusion and laceration of the right lower leg." In January 1995, appellant filed a claim for a schedule award based on this injury.

By decision dated June 4, 1999, the Office of Workers' Compensation Programs denied appellant's claim for a schedule award on the grounds that he had not sustained permanent, partial impairment to his right leg as a result of his accepted employment injuries.

Appellant disagreed with the decision and requested an oral hearing, which was held on January 25, 2000.

By decision dated March 28, 2000, the hearing representative affirmed the Office's June 4, 1999 decision, finding that the evidence of record failed to establish that appellant had sustained permanent, partial impairment of a recognized schedule member as a result of the 1992 or 1997 employment injuries.

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[1] On December 30, 1997 appellant also filed a claim for a recurrence for the same date.

[2] This decision is not found in the record; see file number 13-1152441.

The Board finds that appellant is not entitled to a schedule award based on his accepted employment injuries.

Under section 8107 of the Federal Employees' Compensation Act[3] and section 10.404 of the implementing federal regulation,[4] schedule awards are payable for permanent impairment of specified body members, functions or organs. However, neither the Act nor the regulations specify the manner in which the percentage of impairment shall be determined. To ensure consistent results and equal justice under the law, good administrative practice requires the use of uniform standards applicable to all claimants. The Act's implementing regulation has adopted the American Medical Association, *Guides to the Evaluation of Permanent Impairment*[5] as the appropriate standard for determining the percentage of impairment.

Before the A.M.A., *Guides* may be utilized, however, a description of appellant's impairment must be obtained from appellant's attending physician. The Federal (FECA) Procedure Manual provides that, in obtaining medical evidence required for a schedule award, the evaluation made by the attending physician must include a "detailed description of the impairment which includes, where applicable, the loss in degrees of active and passive motion of the affected member or function, the amount of any atrophy or deformity, decreases in strength or disturbance of sensation, or other pertinent description of the impairment."[6] This description must be in sufficient detail so that the claims examiner and others reviewing the file will be able to clearly visualize the impairment with its restrictions and limitations.[7]

In this case, Dr. Brian E. Knapp, Board-certified in occupational medicine, stated in a December 9, 1997 report that appellant's December 1, 1997 right ankle sprain was resolved. Dr. Knapp also indicated that appellant himself stated that he thought his ankle had gotten "quite a bit better" and that he had continued to work, not only since December 4, 1997 but also since his first injury on May 20, 1992.

Dr. Knapp diagnosed stasis dermatitis and varicosities of the right lower extremity, but found that they were nonwork related. He also indicated: "right ankle sprain, resolved. [Appellant's] ankle shows full range of motion, and there is no instability, swelling or tenderness over the right ankle." He continued:

> "[Appellant] is discharged as permanent and stationary with no permanent disability and requires no further follow-up for his right ankle sprain, which I feel is resolved. There is no need for future medical. … Injuries related to the proximate cause of December 1, 1997 are resolved."

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[3] 5 U.S.C. § 8107.

[4] 20 C.F.R. § 10.404.

[5] A.M.A., *Guides* (4th ed. 1993).

[6] Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Award and Permanent Disability Claims*, Chapter 2.808.6(c) (March 1995).

[7] *Noe L. Flores*, 49 ECAB 344 (1998).

The Board finds that because the medical evidence of record establishes that appellant's 1992 and 1997 injuries are resolved and appellant has submitted no medical evidence indicating otherwise, appellant is not entitled to a schedule award for either claim.

The March 28, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 15, 2001

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

Priscilla Anne Schwab
Alternate Member